## **Remarks**

Claim Status:

Claims 1-23 are pending in the application. Claim 23 is newly presented.

Allowed claims:

We appreciate the indication that claims 11, 16-18 and 22 recite patentable combinations. These claims stand ready for allowance. The remaining claims are also believed to be in condition for allowance. Favorable consideration is requested.

Art-based Rejection:

Claims 1-4, 6, 9, 12, 19, and 20 stand rejected as being anticipated over Jain (US Patent No. 6,185,318) or Aucsmith (U.S. Patent No. 6,148,407).

Claims 2, 5, 10 and 21 stand rejected as being unpatentable over Jain in view of Aucsmith.

Claims 7 and 8 stand rejected as being unpatentable over Aucsmith in view of DeMartin (U.S. Patent No. 6,226,672).

Claims 13-15 stand rejected as being unpatentable over Jain or Aucsmith in view of Li (U.S. Patent No. 6,219,793).

Applicant respectfully traverses these rejections.

*Claim 20*

Claim 20 envisions a signal including an embedded digital watermark. The digital watermark is decoded to obtain a plural-bit identifier, and the identifier is used to help interrogate a database to identify a set of fingerprints, in combination with other claim features.

Jain deals with human fingerprints. The cited passages at Col. 6, lines 64-67, Col. 7, lines 1-3 and FIG. 5 contemplate fingerprint minutiae and not digital watermarking.

The cited passages of Aucsmith (Figs. 1, 3 and 4) are similarly deficient. These figures contemplate computer traits and not digital watermarking.

Claim 20 should be allowed.

New Claim 23

Claim 23 envisions content including an embedded digital watermark. The digital watermark is decoded to obtain a plural-bit identifier. A database is accessed with at least the plural-bit identifier, in combination with other features of the claim.

As discussed above with respect to claim 20, the proposed combination of Jain and Aucsmith are not understood to teach or suggest digital watermark, let alone the specific combination discussed in claim 23.

Claim 23 should also be allowed.


*Claim 1*

Claim 1 recites aggregating first fingerprint data and second fingerprint data. Fingerprint data comprises a reduced-bit representation of content (e.g., audio, video, images). A reduced-bit representation may include, e.g., a hash, signature or digital fingerprint.

Jain deals with human fingerprints, but not reduced-bit representation of content.

Aucsmith mentions fingerprinting audio files stored on a host computer (Col. 3, lines 52-55), but does not envision that first fingerprint data <u>originated</u> at a first source and second fingerprint data originated at second source, where the first source and the second source are <u>remotely</u> located. Indeed all of the fingerprints would be local to a host computer.

We respectfully request that claim 1 be allowed.


*Claim 9*

Claim 9 recites receiving a signal from a first broadcast source at a reference receiver.

Jain does not deal with broadcast signals, but rather with human fingerprints.

Aucsmith would reference files stored on a host computer (col. 3, lines 52-55) but does not mention at the cited passages handling <u>broadcast</u> signals at a reference receiver, in combination with the other features of the claim.

We respectfully request that claim 9 be allowed.

*Claim 12*

Claim 12 recites receiving a signal from a first broadcast source at a reference receiver.

Jain does not deal with broadcast signals, but rather with human fingerprints.

Aucsmith would reference files stored on a host computer (col. 3, lines 52-55) and does not mention at the cited passages handling <u>broadcast</u> signals at a reference receiver, in combination with the other features of the claim.

We respectfully request that claim 12 be allowed.

*Claim 7*

Claim 7 recites aggregating a first set of audio fingerprints provided by a first device with a second set of audio fingerprints provided by a <u>remotely located</u> second device.

Aucsmith at the cited passages is not understood to <u>aggregate</u> (e.g., combine, collect, or add, etc.) first and second sets of audio fingerprints. Instead, as seen at Col. 7, lines 15-19, Aucsmith would merely generate a first fingerprint and generate a second fingerprint.

Other deficiencies of the art need not be belabored at this time.

We respectfully request that claim 7 be allowed.

*Claim 13*

Claim 13 recites receiving a signal from a first <u>broadcast</u> source at a reference receiver and a cell phone which generates second fingerprint data.

Jain does not teach such features since it deals with human fingerprints.

Aucsmith also does not contemplate broadcast signals in the manner recited in claim 13.

Combining with Li is therefore believed improper.

We respectfully request that claim 13 be allowed.

*Claim 14*

Claim 14 should be similarly allowed.


*Remaining Claims*

The remaining claims are also believed to recite patentable combinations. Favorable and independent consideration is respectfully requested.


Information Disclosure Statement

An Information Disclosure Statement (IDS) is filed concurrently herewith. We respectfully request consideration of the information identified therein.


Conclusion

The application stands ready for allowance. (We need not belabor the many other deficiencies of the art at this time.) In the meantime, the Examiner is invited to contact the undersigned with any questions.


Date: August 2, 2005                         Respectfully submitted,

## Customer No. 23735                         DIGIMARC CORPORATION

Phone: 503-469-4685
FAX:   503-469-4777                          By _____
                                                  Steven W. Stewart
                                                  Registration No. 45,133